



## Lamoine Board of Selectmen Minutes of December 15, 2005

Chairman Jo Cooper called the meeting to order at 7:05 PM

Present were: Selectmen Richard Fennelly Jr., Perry Fowler, Cynthia Donaldson, Brett Jones, S. Josephine Cooper; Administrative Assistant Stu Marckoon, Code Enforcement Officer Dennis Ford, Harbor Master Gerald Ford, Planning Board Chairman Stuart Branch, Planning Board Secretary Michael Garrett, Cable TV Tech Bill Butler, Conservation Commission Members Carol Korty, Lynda Tadema-Wielandt, Bob Pulver, Assessor Terry Towne and Erich Kluck of the Maine Department of Environmental Protection.

**Agenda Review** – Stu reported Mr. Kluck of the DEP called to say he would be a few minutes late. Selectmen opted to take some agenda items out of order to accommodate Mr. Kluck.

**Consideration of Minutes – December 1, 2005** – Jo moved to approve the minutes with minor corrections presented by Richard. Richard 2<sup>nd</sup>. **Vote in favor was 4-0 (Fowler abstained).**

**Animal Shelter Contract** – Jo moved to approve the contract with the Small Animal Clinic as the animal shelter for 2006. Cynthia 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed the contract.**

**Bangor Hydro Pole Notification** – Stu noted no action is required. A short discussion followed on where the pole is proposed to be located on Partridge Cove Road.

**Town Report Cover** – Selectmen looked at the proposed cover with a photograph taken by Richard Small of Lamoine Beach. Stu said he had some time and started some preliminary reports. Selectmen liked how the picture came out. Stu asked them to look over and edit the Selectmen's report.

**Expenditure Warrant 11** – Stu reported that several more expenditures were added since the Selectmen received their packets – mostly for the firefighter stipends. He said he drew up a letter of thanks from the Selectmen and the Fire Chief. Selectmen signed the letter and the warrant for \$91,677.09.

**Cash & Budget Report** – Stu said he handed the Selectmen an updated report with the evening's materials.

**Checking Account Reconciliation** – Cynthia had a question about the order of the pages. It turned out the pages were apparently stapled in the wrong order. Selectmen signed the statement expressing satisfaction with the reconciliation review.

**Pending Foreclosures** – Stu reported all but three people have paid their 2003/04 taxes. He said he expects the town will end up owning one mobile home, but he's not heard from the other two taxpayers either. He noted the foreclosure date is December 24<sup>th</sup>. Jo asked if Christmas Eve could be avoided in the future.

**Meeting with the Department of Environmental Protection (DEP) re: Salt/Sand Shed** – Jo noted the town has set aside money for many years to build a salt/sand shed but it has never been constructed. She said many ideas on how and where to build a shed have surfaced over the years. She said the aquifer is an issue to deal with.

Erich Kluck of the DEP said the town is not obligated to build a salt/sand shed. He said requiring the contractor to supply salt/sand means the pile moves from area to area every 3-to-5 years, potentially contaminating a new site. He said that's not environmentally sound. He said if the town could agree on a place, that would benefit the town by putting contractors on a level playing field, and potentially get better bids for the plowing contract.

Mr. Kluck said a lot of landfills ended up in old gravel pits. He said the groundwater at Lamoine's landfill is already contaminated, and the house at the Anderson lot was moved off. He said the DEP would require a siting variance, but they look at contamination issues, and the odds are good that the landfill is not going to clean itself up anytime soon, so that location is a good candidate for a building. Jo asked if that building makes more sense and if it's safer for the aquifer. Mr. Kluck said that is correct. She asked if the town is making matters worse by placing it on the aquifer on a site that is already contaminated.

Mr. Kluck gave a brief history of the salt/sand pile program. He said it started in 1986 with classification by the DEP. He said all piles were mandated in 1986 to be in buildings, but it was an unfunded mandate. He said they got some money, but only the worst got funding. He said it cost a quarter of what it costs now. He said the estimated cost is \$200,000 to \$250,000. He said the cost is \$75 to \$95 per yard for a building.

Perry said a 2,000 yard building might be adequate. Mr. Kluck said all the salt piles were reclassified in 1999 and only the 1-to-3's are required to put up buildings. He said Lamoine was a 4 and could have stayed there, but there was an issue with wells. He said the town forfeited future funds by moving the pile, but would not have received any by being ranked a "4".

Jo said the major question is the concern about the aquifer and making this as cost effective as possible. She said it's hard to find a place that makes sense if not on the aquifer. Stu said the town doesn't own anything not on the aquifer. Carol Korty asked about the other side of the road from the transfer station. Jo said that's closer to

residential wells. Mr. Kluck said the siting criteria require that the shed be 300-feet from wells, not on the aquifer, and not on a source water protection area. Ms. Korty asked what would happen if the town used the aquifer for a water source in the future. Mr. Kluck said it is probably not a problem as the town would not get good water in that area. He said if a lot of water is drawn, it could alter the direction of travel for groundwater. He told a story about the Town of Lisbon and a gas tank leak. He said the landfill contamination will be a source of contamination for a long time. He said if it's in a building and managed properly – the building eliminates the problem. Richard said if it's properly designed it shouldn't be much of a problem. Mr. Kluck said if it's managed properly. Perry said the only potential is if things are stored outside. Mr. Kluck said Lamoine's building probably wouldn't be big enough to load inside. He said the key is cleaning up any spillage outside in a timely fashion. He told about a meeting in Brooklin on a similar matter and he said that he could not say a building will eliminate the problem 100-percent. He stressed that management is the key.

Richard asked if the salt/sand building should have a concrete apron. Mr. Kluck said asphalt is better. He said the inside is generally concrete with an asphalt pad. He said some concrete walls are sealed. He said one town treats it with linseed oil. Jo asked if the DEP would prefer that it not be on an aquifer. Mr. Kluck said that was correct, but they understand cost constraints and towns can apply for a variance. He said based on the history of the site where the house was moved, the well isn't being used, and the water is contaminated. He said the building must be 100-feet from the cap of the landfill. Richard said the site is easily 500-feet from the cap.

Jo asked if Stu had discussed any other pieces of land with Mr. Kluck. Stu said he had not. Mr. Kluck said he'd be happy to visit those sites and place them on a map. A short discussion followed on GPS siting, and purchasing land as opposed to placing it on existing town owned land. Perry said it would cost less to construct the building on the former Anderson parcel than anywhere else due to land configuration.

Ms. Korty asked how much bigger the town would have to build a shed to load inside. She asked if the Anderson site would require the town to dig into the hill. Mr. Kluck said a lot of towns have used a hillside to their advantage. He explained how the City of Auburn worked its location. He said the higher the concrete wall, the higher the cost of the building.

Mr. Kluck said if the project exceeds \$110,000 state law requires that a licensed engineer design the project. Richard asked to what extent an existing building design could be used. A short discussion followed. Mr. Kluck said the Maine Department of Transportation (MDOT) has building designs, and a list of engineers. He said the most expensive engineering has been \$25,000 and that was way overpriced. He said typically the engineering costs \$10,000 to \$15,000. He said there are lots of options. Richard asked if the MDOT designs could be obtained. Mr. Kluck suggested that other town facilities be visited as well.

Mr. Kluck said the proposed site is a good candidate. He said they would prefer it not be on the aquifer, but given the history of the site, this should be OK. He said all mixing and loading needs to be done on an asphalt pad. Jo said it would be better than the current location.

Mr. Kluck said the state can't force the town to do anything. He said his job is to encourage the town to put a building up. He said the other option is to have a 3-inch asphalt pad and have the pile covered with a tarp. He said that's what's currently happening at the Nankervis site. He said the towns that built buildings will never go back to the pad system. He stressed again that having a town owned shed would probably lead to a better contract price.

Ms. Korty asked how long it would take for the landfill to clear itself out – whether Mr. Kluck meant 100-years. A short discussion followed. Mr. Kluck said the town would be looking at contamination issues for 100-years or more. A discussion followed about groundwater under landfills.

Stuart Branch asked about the salt brine used on roads and whether that is stored differently. Mr. Kluck gave an explanation about the state's salt priority program. He said the brine is stored as a liquid and spread with special equipment. Mr. Branch asked if the building would be usable in the future if the town went to a salt priority program. Mr. Kluck said it would. He said liquid calcium chloride is not regulated, and there are no ill health effects. He said water taste is sometimes a problem and the liquid calcium chloride can eat away at pipes.

Richard asked if there is a different contamination from the road spray as opposed to keeping the salt in a shed. Mr. Kluck said they have a saying that dilution is the solution to pollution. He said a salt pile is a point source which creates a pollution plume. He said the application rate on the road is about 100-pounds of salt per mile of a two lane road. He said 1-inch of rain would dilute that application. Richard asked if that goes into the aquifer. Mr. Kluck said well owners can put in a civil claim if they believe that salting the roads polluted their well. He said state statutes give towns the right to treat road surfaces in the winter by any means as seen fit to keep roads clear. Richard asked if a properly managed building would have far less environmental impact than everyday salting of roads. Mr. Kluck said the impact of a building would be similar to the impact of salting the roads. Richard asked what is the point of keeping a squeaky clean building and then spreading salt-sand all over town. Mr. Kluck said he couldn't tell that it would be 100-percent, but the impact would be similar to a roadside. Richard said it might be cleaner. Mr. Kluck said that with salt/sand you have to sweep it, ditch the roads, dust from sand, the fine dirt gets into streams. The street sweepers and excavators use diesel. He said it costs a lot to ditch. He said the salt priority program uses the same salt as mixed. He said it's more obvious with roadside trees dying, but not necessarily worse for the environment. Jo said the amount of traffic might not be enough to make it work. Perry said the building would only have to be a fifth of the size for the salt priority. There was a discussion of what it would cost to retrofit trucks. A short discussion followed.

Lynda Tadema-Wielandt asked what triggers the professional engineer for designing a building. Mr. Kluck said he thinks it's a cost in excess of \$100,000. He said the MDOT knows that requirement. Mr. Kluck said he would love to help the town find another location if needed. Richard said there were no town owned lots better than this one. A short discussion followed on alternate areas. Jo said the aquifer is central to this issue in more ways than one. Mr. Kluck said the town can make its best case on the variance application. There was a discussion on whether this should go to the DEP or the Planning Board first. Mr. Kluck said it depends on the local ordinance. Jo said it would make sense to start with the DEP as the Planning Board would deal with the more detailed presentation. Mr. Kluck said a location next to a landfill is usually a good candidate. Another brief discussion followed on using GPS units.

**Meeting with Conservation Commission re: Grant applications** – Robert Pulver said the Conservation Commission can get a \$1,000 grant from Healthy Acadia. He said it would be used to train school students to test water as part of their curriculum. He said there would be virtually no cost for next year. He said test kits are \$50 for 50-kits. He said they need \$150 for the kits. He said the students would test their own water at home, with parental permission. He said he envisioned this would be spread through the community, and the Conservation Commission could compile a map and a database based on those tests. He said this could serve as an early warning system on groundwater. He said if salt increases were to show up in the next five years, they could ask where that contamination is coming from. He said the grant requires approval of the Selectmen.

Jo asked if there would be any match required. Mr. Pulver said no. He said the town's in a good position as it's on a priority list. Richard asked what the end result from learning what the water quality would be. Mr. Pulver said any problems could be detected early and find out what's causing it and either put restrictions on or have a professional detect. He said it's a cheap way to get a solid database, and the value to the students is very educational. Richard said the final analysis might not do much more than knowing it. He said the town might not be able to do anything about a water quality problem. He said it isn't much money, but wondered if the commission had anything else in mind in regard to what the town ought to do. A short discussion followed about salt.

Ms. Korty said the data would be used to inform ourselves. She said action is another step. She said this is the 2<sup>nd</sup> phase of the fresh water initiative with an educational focus. She said if the students understand the water issues, it's likely to spur discussion with the parents. She said the intention is not to prescribe action. She said the Mitchell Center at the University of Maine is excited about the program. She said if it starts with Lamoine and Ellsworth High School it might expand to other parts of the state.

Cynthia asked what the \$1,000 would be for. Mr. Pulver said mostly to hire substitute teachers while regular teachers are trained by the Mitchell Center for the program. He said it will help with kits and software for the schools. Cynthia said the grant would get the program started and keep it going. Mr. Pulver said it would become a permanent part

of the science curriculum in working with water. Ms. Kerty said the school principals and science coordinators are behind the program. Brett asked how long Phase 2 is. Ms. Kerty said the students would present their findings in May. Ms. Kerty said they need a letter signed by the Selectmen. She said the deadline for submission is December 31<sup>st</sup>. Cynthia asked if they need letters of support to go with the grant application. Mr. Pulver said it would help but is not necessary. Cynthia said she likes that the school is part of the program. Jo said it's a great idea. She moved to sign the letter. Brett 2<sup>nd</sup>. **Vote in favor was 5-0, Selectmen signed the letter.**

**Code Enforcement Officer – Bunkhouse Issue** – Stu briefly reviewed the inquiry he got from Terry Towne for several permits issued in the Meadow Point Area. CEO Dennis Ford said he was approached by a property owner on Meadow Point with a proposal for a building on skids. He said the land could not support a septic system, and he made the owner aware that there could be no pressurized water in the building, and any water must be carried in and the waste water carried out. He said the owner agreed to that basis, and the permit was issued. CEO Ford said the person went beyond the scope of the permit and put in an alternative toilet, which was cited, and the toilet has now been unhooked. Jo asked what the water supply was. CEO Ford said it was 5-gallon cans of water that he hauls in and out of the building.

Terry Towne said the letter from Ken Stratton, State Site Evaluator of the Department of Human Services (DHS) indicated that Mr. Stratton was on the assumption that this was a day type of use with children with some drinking water. He said this building is different, and it depends on how one interprets the building codes. He said the letter from Mr. Stratton's does not talk about carry in/carry out, but quotes chapter and verse of the state plumbing code. Mr. Towne said there are three ways to dispose of waste water. He said the letter says a gray water system is required if any waste water is disposed of on site.

Mr. Towne said there are three such buildings, and one permitted as a boat house with a loft brought this to their attention because the owners of the boat house put up a mailbox. He said the owners of the boat house/loft came to CEO Ford prior to the purchase to see if they could put a building on the lot. Mr. Towne said CEO Ford indicated that if they didn't have plumbing in the building they could use it as a camp. Mr. Towne said all three building permit applications indicate that there would be part time residents in the structures.

CEO Ford said there are only the options on the building permit application of being full or part time residents. Richard said he had some experience with a gray water system at a camp. Mr. Towne explained about plumbing systems. He said there are no provisions for carry in/carry out. He handed out several pages of information to the Selectmen. He said he was told one of the structures was rented out this summer. He said another structure was lived in for a month. He said he's concerned the town is "getting cute" with interpretations and implications mean that one could buy a cheap piece of swampland and put a pre-fab building and say you're going to carry out the waste, and you've got a place to live.

Jo asked what action Mr. Towne was requesting of the board. Mr. Towne said the CEO decision reigns. He said the Selectmen might want to get experts to meet with them and suggested that they talk to Mr. Stratton. He said there are also violations of the Natural Resources Protection act and some setback violations of the Shoreland Zoning Ordinance. He said he didn't think the problems were intentional. He said the CEO is hired, but the job performance is never reviewed by the community. He said maybe there ought to be a check and balance review by the Selectmen, Planning Board and administration.

Richard said CEO Ford is far ahead of him on understanding the ordinance so it would not work to second guess him. Mr. Towne said it really concerns him that this interpretation is unique in the State of Maine. Richard asked CEO Ford if he would suggest bringing Mr. Stratton in. CEO Ford said he'd been in contact with Mr. Stratton from the get-go. He said it's his interpretation that if a person owns a piece of property that he ought to try to let them have some use. He said he took people at their word. He said it's a primitive setup with no water or electricity. He said he would rather have them stay in a building like that with an alternative toilet instead of camping on the beach and doing whatever anywhere. He said he wanted to make them aware of what they can't do with waste disposal. Perry asked if they pitched a tent would they need a gray water system. CEO Ford said it depends on interpretation.

Jo said three buildings seem to be a trend. Brett asked if they were the same lot. Mr. Towne said they are different lots. Stuart Branch said the Shoreland Zoning Ordinance has a provision for individual private camp sites that can be used for 120-days a year. He said people have rights to use their property. He said ordinances address that a bit. Jo asked about the wastewater issues. Mr. Branch read the ordinance and the requirements. Stu noted this is part of the Shoreland Zoning Ordinance, and two of the three structures are not within the Shoreland Zone.

Jo asked about the violations Mr. Towne referred to. Mr. Towne said the DEP told him there was a setback issue. Jo asked if the CEO needs to be notified about that. CEO Ford said the stream in question does not show up on a topographical map, so it shouldn't come into effect. Mr. Towne said he would suggest that DHS should come down to see if there has been a violation of the subsurface wastewater disposal (SSWD) rules, and take a look to see what is there. He said he was talking about philosophy, not chapter and verse.

Jo said the CEO is trying his best. Brett said he's doing a pretty good job. Jo said it's complicated. She said there is a fine line between trying to administer the code and enforcing it and people's private property rights. She said they have to be balanced. She said it's not the town's job to grease the skids to make it possible for people to put in their camps. She said she didn't think that CEO Ford had done that, but it's a constant balancing act. She said personal agendas should not get in the way of doing the right thing. She said both CEO Ford and Mr. Towne appear to be doing the right thing. She

said she didn't think she was the Gestapo to go out and police sites. She said it's a Selectman's job to make sure things are done right and if not, correct it.

Brett asked Mr. Towne if he was unhappy with people developing in his neighborhood. Mr. Towne said there is a mailbox apparatus with 32 mailboxes. He said the only time anyone has said anything is when activities did not fit the rules. He said in the few times they've brought issues forward, they've been correct about them. He said their concern about what it means to the community as a whole. Brett asked who Mr. Towne refers to when he said "we". Mr. Towne said those who've talked about it. He said the problem he has is that each lot in town could become a dwelling unit. Brett said that seems to be stretching that. Richard asked that if portable structures on skids had a frame and wheels, how would they differ from Recreational Vehicles (RVs). A short discussion followed on definitions and holding tanks.

Jo asked if this is not in the Shoreland Zone is there any major difference to what's permitted to do. Brett asked if there is still a 120-day limit for RV's parked off the Shoreland. CEO Ford indicated there was.

Jo said she's not an expert, but that's not the point. She said it's not necessary that she is. She said the Board needs the right information – not to inspect sites. Mr. Towne suggested that the Board get a little education and walk down and learn for the hands on experience. Jo asked what the Planning Board response is to Mr. Towne's information. She asked if the ordinance needs to be clarified. Mr. Towne said he gave the info to the planning board, but they've not had the opportunity to speak with CEO Ford. Mr. Towne said he didn't anticipate this moving along this fast, as he'd sent an e-mail to Stu and it has moved along quickly with Stu's help.

Jo said she would be uncomfortable with this being a personnel matter because she doesn't think it is. Mr. Towne said he wasn't saying that. He said he knows of three cases where his interpretation and the state's interpretation in regard to hand carrying stuff in and out is not what is there. Jo asked what we do – should there be a notice of violation and correction. She said if we're talking about changing the way of doing business, that's something else. She said it seems Mr. Towne is asking for both.

Mr. Towne said the letter from Mr. Stratton is clear that if one generates waste water on the site, there must be a system. Mr. Ford asked Mr. Towne if he read the letter that said Mr. Stratton would issue the permit. Mr. Ford said one of the applicants asked for a permit for a shed. He said he asked the applicant what he wanted to do and suggested that they call it a bunkhouse. He said Mr. Stratton said when the time came that he would issue an alternative toilet permit with a notation of carry in/carry out. Mr. Towne asked if waste water was going to be generated. He said he would hope the only way the town becomes aware of a problem is when someone complains. He said that's the way it is now, and as long as no one complains, everything is fine.

Jo said she couldn't imagine living without washing. CEO Ford said he could see a system being required if there was any sort of plumbing. A short discussion followed on



hand carrying water. Jo read from Mr. Stratton's letter and the need for a waste-water system. CEO Ford said he doesn't know if the people are generating waste water or not. Mr. Towne noted a case that occurred in the neighborhood where a landowner was required to put in a septic system. A short discussion followed.

Jo said it's only fair and right that any violation needs to be corrected. She told CEO Ford that if he was told of a violation, he needs to cite it. Mr. Towne said there is a potential threat to surface waters. He said there is a way to move forward where five people in the neighborhood could sign a letter of complaint to see how the CEO deals with it. Jo said she would recommend that. She said that's the right thing to do for the landowners and the town. Mr. Towne said one of his concerns was that the landowners came to the town and were told that if they didn't have plumbing they could live in it.

Richard asked if there was an ultimate end result Mr. Towne would like to see. Mr. Towne said the buildings should not be used as dwelling units. Brett asked what his definition was of dwelling units. Mr. Towne said exactly what the ordinance says. Richard asked if that means he's OK with the use otherwise. A short discussion followed about using such properties within 120-days per year. A short discussion followed about the 120 day limit, and RV's and boathouses.

Richard said he shares CEO Ford's philosophy to make every effort to accommodate the landowner. He said that if he were in this situation, he would pursue every effort to get his desired result, in this case having a building there – probably setting up an RV. A short discussion followed on whether gray water systems are allowed and how to pursue potential violations. Perry asked if holding tanks are allowed. CEO Ford said there is no local ordinance allowing those. Mr. Towne said a lot of towns that had holding tank ordinances have rescinded them.

Mr. Branch said the ordinance is vague. He said if someone took time to read the Shoreland Ordinance it might help, but the description of shelter is pretty vague. Perry asked if one brings 10-gallons of water along with an empty 10-gallon container, would there be a problem. Mr. Towne said the state SSWD rules are the topic and whether waste water is generated on site. He said there are 3-different sets of rules, including the Shoreland Zoning, the Building Code and the SSWD rules. He said there are lots of different ways to interpret – it's in the court of those living in the area.

Jo said the Board could ask Mr. Stratton to come to the meeting, but she's not sure where that gets us. Brett said it doesn't get the Board anywhere. Jo said unless there's a complaint she wasn't sure what action is required. Richard asked if the boat house structure is in violation. Mr. Towne said the concern was the boathouse owners put a mailbox up and intend to live there. He said that CEO Ford told the owners they could do that if they got a permit for an alternative toilet. He said during his discussion with CEO Ford on the rules that Mr. Ford told him people have a right to use their property. CEO Ford said when the owners came to him they told him they live on a sailboat and would like to have a structure so they could sail up and visit their child at Maine Maritime Academy. He said it's not a big strain on the use of the property.

CEO Ford asked why it took so long to start complaining. Mr. Towne said they didn't know what was going on until they put a mailbox up. He said when he looked at the building permits that said they were going to be residents. He said one can see the buildings are going to be camps, and if you have a camp, you've got to have at least a primitive wastewater disposal system. He said an alternative toilet must have a gray water bed. He reviewed the history of the inquiry to Mr. Stratton.

Brett asked Mr. Towne what his motive was in regard to a letter to the editor. Mr. Towne recapped the history of a case that involved former Selectman Ralph Jones when Mr. Towne was the CEO. He said the rules the town has are to help the community develop properly. Brett said he didn't believe it was helpful to make derogatory comments in a publication. A short discussion followed.

Jo said the Board has listened for quite a bit of time. She said the next step is to review at the next meeting, and if Mr. Towne has anything to bring a complaint that would be helpful. Gerald Ford said it would be nice to hear from the other complainants – Mr. Towne seems to be the only one. Jo asked that it be kept civil. Mr. Towne thanked the board and left the meeting. Brett said he's unclear what the position is. Jo said the Board has responsibilities if there is a cited violation. She said there has been no complaint to cite. CEO Ford said his interpretation is there has been no violation. Perry said CEO Ford acted properly on people telling him in good faith how they intend to use the property. He said if anyone sees them pouring out dishwater, then it's a violation. Mr. Ford said he needs documentation.

Stu said there are two potential ways to bring action. One is objecting to issuance of the permit, and there is a 30 or 45 day period to do that and it has long since passed. He said the estoppel issue comes into play afterwards where the property owner relies on an official to go ahead with an action. He said the other is acting on a complaint, and CEO Ford has generated two notices of violation in that neighborhood which have been dealt with successfully. CEO Ford said the only thing that should be done differently is that the alternative toilet be removed – not just unhooked. Jo said her issue is that if somebody complains and there is a notice of violation, then the Board has to deal with it.

**School Priority Rankings** – Stu said only one Board member has turned in their priority rankings (Cynthia). Richard noted there were only 13 areas instead of 15. Cynthia said it was hard to do. Richard said it impressed upon him that due to the price of higher cost items the town should start at the lower cost items and get them done and off the list.

**Transfer Station Bids** – Stu said the contract for trash and recycling transportation expire at the end of June. He said it would be nice to have prices well before that. He said the packet contained the last set of specs, but he did a new set up tonight. He explained the new specifications. Richard said the length of the contract should be decided either three or five years. Selectmen preferred a 5-year length. Stu asked if the Selectmen wished to put that out to bid. Selectmen agreed to do that.

**Request from Robert Alvarez re: gravel measurement** – Richard asked why Mr. Alvarez was making the request. Stu said he thinks Mr. Alvarez wants to make sure that all the gravel taken over the years by contract is accounted for and paid for. Selectmen said the process described by Mr. Alvarez might be more expensive than it is worth. A short discussion followed. Cynthia said it might be helpful to establish a value of what is there. Jo said the Board should thank Mr. Alvarez for his suggestion and say they have taken it under advisement.

**Bald Eagle Nest** – Stu said the town had notice of a nest in the Jordan River. Richard said the nest looks to be located on the Trenton side of the river. A short discussion followed on other bald eagle nests in town.

**Pine Grove Estate Subdivision Problem** – CEO Ford put up the map of the subdivision for the Selectmen to view. Mr. Branch said the road in the subdivision is about 5-feet from a mobile home, and the two property owners appear to be in a civil dispute over the property line. He said he was concerned about the abutting structure and reviewed the case. He said when the Planning Board reviewed the plan, the structure was shown about 35-feet from the property line Mr. Simons said was his. He said the Board would have been comfortable with the distance as shown on the plan, but if the Board had seen it as the road exists, it would have been a different question. He said a misplacement of the structure on the plot plan is a violation by Mr. Simons, and the subdivision plan ought to be reviewed.

Richard asked if moving the access road would encroach on the wastewater system. Mr. Branch said that was correct and explained about the communal system on the plan. Brett asked if the property lines on the plan are correct. Mr. Branch said the Planning Board didn't question the lines. Perry asked where the road is supposed to be. Mr. Branch said the plan shows the mobile home in the wrong place. He said the Board felt there would be a minimal impact from the road as shown on the plan, but in reality the road is a major impact. He said the only way the lot layout works is with the septic design as presented. He said the presentation of property lines changes from plan to plan.

Mr. Branch said there is a concern over the buffer zone too. He said he had a letter from Mrs. Rohner (the mobile home owner) that the buffer zone was removed when the road was put in. CEO Ford said he tried to do some deed research, and the final plan appears to show the Rohner lot correctly. Richard asked if the buffer zone that was cut down should be a part of the subdivision right of way requirement. CEO Ford said under normal circumstances he could issue a notice of violation, but because of the mobile home and property line dispute he can't.

Brett asked where things sit now. Mr. Branch said it appears to still be in litigation. Brett asked if no work could be done in the subdivision. CEO Ford said one lot has sold and on the advice of the town attorney he issued a building permit with a letter to the permit holder explaining the problems, and that the subdivision could change. Mr. Branch said that was the one lot that passed a soils test. CEO Ford said if the other lots sell and he must issue permits that could open a big can of worms.

Planning Board Secretary Michael Garrett said they've asked developer Ronald Simons to supply the survey of his property frontage on Route 184. CEO Ford said the overall road frontage differs from the preliminary plan to the final plan. Mr. Branch said his concern is that Mr. Simons put a road in near Ms. Rohner's door and that's not right. He said the town has an obligation to do something, and no lots should be sold until Mr. Simons can show his septic system could work. He said if building permits go to lots that need to pump the septic to that system by the road, there's a big problem. He said now is the right time to solve the problem.

Richard asked what action the board is requesting. Mr. Branch said he outlined the areas of proposed enforcement, and the Planning Board could reopen the action, and go in and review the subdivision. Mr. Branch said the Planning Board has a right to review any subdivision during its life. Richard said the Selectmen should authorize the Planning Board to issue a cease and desist order. Stu said the town attorney should be consulted first. A short discussion followed on what consultation with the town attorney was in regard to the building permit. Mr. Garrett said the lot owner was present at the Planning Board meeting and understands the impact.

Richard said if it's clear violations exist, there is good cause to ask the developer to respond to questions, including showing the survey and the buffer. Cynthia asked how the town attorney could say to go ahead and issue a permit if all these problems exist. Stu said the advice was that if the lot meets all the requirements for a permit, there is no reason to deny a permit. Jo said her concern is to make sure that happens, and it all should be laid out in front of town attorney Tony Beardsley. Stu said he would be concerned about barging forward on this without advice from the attorney. Jo said the town needs to know how to proceed and how to get it fixed.

Mr. Branch asked if the CEO should issue the violations first. Stu said no, the town attorney needs to be consulted first. Jo said it needs to be expedited. She said if there are violations, they're not minor. She said to have the conversation with the town attorney, then immediately act. CEO Ford said he needs a face to face meeting.

Jo moved to authorize the CEO to meet with the town attorney. Richard 2<sup>nd</sup>. **Vote in favor was 5-0.**

**Next Meeting** – The next scheduled meeting would be December 29<sup>th</sup>. Stu said he would like that to be just a warrant signing, and he would seek out the Selectmen individually without having to convene.

Selectmen signed cards congratulating the Animal Control Officers on becoming certified.

There being no further business, the meeting adjourned at 10:04 PM

Respectfully submitted,

Stu Marckoon, Adm. Asst.